

DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER** the specification of which is attached hereto or X was filed on May 18, 1999 as Application No. 09/313,914 and was amended on (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

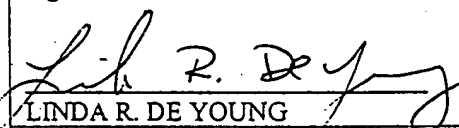
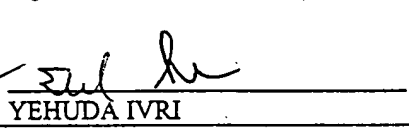
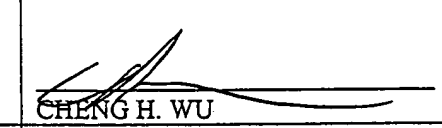
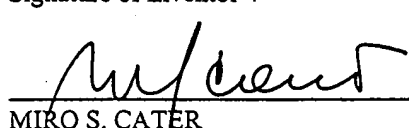
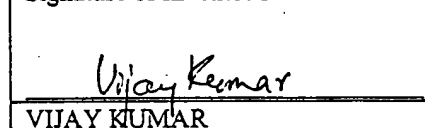

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
09/095,737	06/11/98	Pending
09/149,426	09/08/98	Pending

Full Name of Inventor 1:	Last Name: IVRI	First Name: YEHUDA	Middle Name or Initial:	
Residence & Citizenship:	City: Irvine	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 38 Silkberry	City: Irvine	State/Country: California	Postal Code: 92614
Full Name of Inventor 2:	Last Name: DE YOUNG	First Name: LINDA	Middle Name or Initial: R.	
Residence & Citizenship:	City: El Granada	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 310 Shelter Cove Drive	City: El Granada	State/Country: California	Postal Code: 94018

Full Name of Inventor 3:	Last Name: WU	First Name: CHENG	Middle Name or Initial: H.	
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: California	Country of Citizenship: Taiwan	
Post Office Address:	Post Office Address: 362 Pescadero Terrace	City: Sunnyvale	State/Country: California	Postal Code: 94086
Full Name of Inventor 4:	Last Name: CATER	First Name: MIRO	Middle Name or Initial: S.	
Residence & Citizenship:	City: Daytona Beach	State/Foreign Country: Florida	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 1777 Mitchell Court	City: Daytona Beach	State/Country: Florida	Postal Code: 32124-6760
Full Name of Inventor 5:	Last Name: KUMAR	First Name: VIJAY	Middle Name or Initial:	
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: California	Country of Citizenship: United States	
Post Office Address:	Post Office Address: 228 Leota Avenue	City: Sunnyvale	State/Country: California	Postal Code: 94086
Full Name of Inventor 6:	Last Name: FLIERL	First Name: MARKUS	Middle Name or Initial:	
Residence & Citizenship:	City: Sunnyvale	State/Foreign Country: California	Country of Citizenship: Germany	
Post Office Address:	Post Office Address: 1273 Ayala Drive	City: Sunnyvale	State/Country: California	Postal Code: 94086

further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  LINDA R. DE YOUNG	Signature of Inventor 2  YEHUDA IVRI	Signature of Inventor 3  CHENG H. WU
Date July 22, 1999	Date June 24, 1999	Date June 29, 1999
Signature of Inventor 4  MIRO S. CATER	Signature of Inventor 5  VIJAY KUMAR	Signature of Inventor 6  MARKUS FLIERL
Date 7/19/99	Date June 29, 1999	Date June 25, 1999

DE 103573 v1

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN

Applicant or Patentee: Yehuda Ivri et al.
Application or Patent No.: 09/313,914
Filed or Issued: May 18, 1999
Title: METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: AEROGEN, INC.
Address of Small Business Concern: 1310 Orleans Drive
Sunnyvale, CA 94089

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER by inventor(s) described in:

- ☐ the specification filed herewith;
☐ Application No. 09/313,914, filed May 18, 1999;
☐ Patent No. _____, issued _____.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name: _____
Address: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Yehuda Ivri
Title of Person if Other than Owner: Chief Technical Officer
Address of Person Signing: 1310 Orleans Drive
Sunnyvale, CA 94089

Signature [Signature]Date JUL 21, 1999